



Legislation Details (With Text)

**File #:** 21-81      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Agenda Ready

**File created:** 2/19/2021      **In control:** Planning Commission

**On agenda:** 2/25/2021      **Final action:**

**Title:** 9:05 A.M. - PUBLIC HEARING to Consider Major Use Permit (UP 20-18) and a Mitigated Negative Declaration based on Initial Study (IS 20-21). The Project Applicant is Incline Power LLC., Owner, Patsy Thorburn, is proposing a new 150' tall cell tower and appurtenant equipment within an 80' by 80' fenced enclosure on 26.55+ acre property. Location: 16355 Highway 20, Clearlake Oaks, CA; and further described as APN: 010-055-31.

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. UP 20-18 Incline Cellphone Tower Final, 2. Attachment 1 vicinity map, 3. Attachment 3 agency comments, 4. Attachment 3a Agency comment, 5. Attachment 4 conditions, 6. Attachment 5a drawings, 7. Attachment 5b photo sims, 8. Attachment 6 IS, 9. Attachment 7 letter of support

Date	Ver.	Action By	Action	Result
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Item 1  
9:05 AM  
February 25, 2021

**STAFF REPORT**

**TO:** Planning Commission

**FROM:** Scott DeLeon, Community Development Director  
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

**DATE:** February 25, 2021

**RE: Incline Power; Major Use Permit (UP 20-18), and Initial Study (IS 20-21) 16355 S. Highway 20, Clearlake Oaks, and further described as APN: 010-055-31**

Supervisor District 2: Bruno Sabatier

Planning Commissioner: Everardo Chavez

- ATTACHMENTS:**
1. Vicinity Map
  2. Vacant
  3. Agency Comments
  4. Proposed Conditions of Approval
  5. Site Plan, Telemetric Photos, Details
  6. Initial Study IS 20-21
  7. Letters of Support - Emergency Service Providers

**I. EXECUTIVE SUMMARY**

The applicant is requesting a major use permit for a new 150' tall cell tower on the subject site, along with an emergency generator and associated electrical equipment needed for the cell tower to function. The tower is regarded as a large tower at 150 feet in height. This project is for a new single lattice tower that will be capable of allowing co-located facilities on it. This application includes:

- 150' multi-function lattice tower
- One 80' by 80' multi-carrier compound (fenced enclosure)
- Four (4) 10' by 4' generator slabs
- Four (4) 15' by 20' carrier lease areas
- One (1) transformer on concrete pad
- One (1) 5' by 3' Telco vault
- One (1) 20' wide access gate with signage
- One (1) 6' tall fence around the 80' by 80' concrete pad / compound
- One (1) utility 'H-Frame'
- One (1) 80' wide utility and access easement
- Twelve (12) carrier antennas

The cell tower site is on a portion of the site that is relatively flat. There are high voltage lines located on the subject site. The tower site area is developed with a PG&E electrical tower and overhead lines, an access road, and ancillary equipment. The tower site is served by an existing 20' wide access driveway that connects the site with E. Highway 20. The interior access aisle will be graveled, and will also be used as a utility easement to supply power to the tower.

Access to the facility will be from an existing access road from Highway 20 which crosses an adjoining parcel owned by the same party that owns the tower parcel. The access road will be extended approximately 900 feet to the tower compound adjacent to an existing PG&E easement and access road. A ten foot wide minimum turnout will be added approximately halfway down the access road to comply with Cal Fire requirements.

The applicant proposes to improve the existing access road/easement on the subject site beginning at the end of the paved driveway and leading up the rise to the cell tower site. A portion of the existing roadway would be moved approximately 10'-15' east of its current location. The relocation of the roadway in these certain areas would improve the management of the roadway's drainage and help improve the long term viability of the access road for the Telecommunication Facility, including emergency personnel.

Cellular coverage maps show service gaps in the area and existing facilities are not meeting service needs associated with voice and increased wireless data needs. This project will provide additional facilities to meet service needs in the area. The additional facilities will also provide improved wireless communication service in emergencies to help protect public health, safety, and welfare. It is also likely that a fire camera will be installed to enhance fire safety in the area. This facility will greatly enhance wireless phone and data coverage at the junction of Highways 20

and 53 in Clearlake Oaks, and heading east on Highway 20 where currently there is little to no coverage on this highway and residences in the area. The site is intended to connect wireless coverage with the new cell tower site in the Spring Valley area.

### **Construction**

Construction of the 150' tall cell tower is anticipated to take between one and two months. Staging of equipment will occur on the existing interior driveway on previously disturbed soil that has a layer of gravel applied to the surface of the driveway. The access road will be extended approximately 900 feet to serve the proposed tower, and a ten foot-wide turnout will be added about half-way down this service road extension to comply with CalFire turnout spacing requirements. Estimated grading will be less than 500 cubic yards of earth being moved to prepare the 80' x 80' tower pad and the 900 foot service road extension. The estimated amount of earth to be moved is below the threshold for a grading permit.

The tower compound will be enclosed by a six-foot tall fence, and one parking space will be designated inside the fenced enclosure area. Construction will occur Monday through Friday, from 8 am to 5 pm.

Brush (approximately 6,400 sf) will be removed for site preparation and road improvements by cutting parallel to and within one inch of the ground. Brush on average is less than ½ inch diameter at breast height. Removed brush shall be gathered on site and burned during the appropriate burn season per County and Fire regulations. All brush shall be removed (i) within the eighty foot (80') wide, 900 foot long service road extension commencing where the new access turns north out of the PGE right of way and (ii) within the 80 by 80 foot compound (plus an additional twenty feet (20') outward from the compound in each direction for construction staging.

The fenced enclosure will incorporate hay wattles around the perimeter as an erosion control measure during and after construction.

### **Operation**

Upon completion of construction, maintenance of carrier equipment (the equipment used by the cell tower service providers) will be necessary, meaning the site will be visited once or twice a month by a service technician for each carrier for routine maintenance, unless there is an emergency. The tower will initially support one carrier, but has the capability of supporting up to four individual carriers through co-location. One parking space inside the fenced compound is needed and used for maintenance activities. The site is entirely self-monitored and alerts personnel to any equipment malfunction or breach of security. Because the facility will be un-staffed, there will be no regular hours of operation and no change to existing traffic patterns. No on-site water or sanitation services will be required as a part of this proposal. The standby diesel generator will operate in the event of an emergency power outage and scheduled testing.

Staff is recommending **Approval with Conditions** of UP 20-18.

## **II. RECOMMENDATION**

### **Staff recommends the Planning Commission:**

#### **A. Adopt mitigated negative declaration (IS 20-21) for Use Permit (UP 20-18) with the following findings:**

1. Potential environmental impacts related to air quality can be mitigated to less than significant levels with the

inclusion of mitigation measures AQ-1, AQ-2, AQ-3 and AQ-4.

2. Potential environmental impacts related to Cultural resources can be mitigated to less than significant levels with the inclusion of mitigation measures CUL-1 and CUL-2.
3. Potential environmental impacts related to Noise can be mitigated to less than significant levels with the inclusion of mitigation measures NOI-1, NOI-2 and NOI-3.
4. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.
5. Any changes to the project will require an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential increased environmental impacts.

**B. Approve Use Permit UP 20-18 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

**C. Approve the Wireless Communication Tower with the following findings:**

1. That the development of the proposed wireless communications facility will not significantly affect any public view shed, scenic corridor or any identified environmentally sensitive area or resource as defined in the Lake County General Plan or Area Plans.
2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the least intrusive for the provision of services as required by the FCC.
3. That the proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance.
4. That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and

that all zoning violation abatement costs, if any have been paid.

**Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 20-21)** applied for by **Incline Power, LLC** on property located at **16355 S. Highway 20, Clearlake Oaks**, and further described as **APN: 010-055-31** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **February 25, 2021**.

**Major Use Permit (UP 20-18)**

I move that the Planning Commission find that the **Use Permit (UP 20-18)** applied for by **Incline Power, LLC** on property located at **16355 S. Highway 20, Clearlake Oaks**, and further described as **APN: 010-055-31** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **February 25, 2021**.

**Wireless Communication Facility Approval**

I move that the Planning Commission find that the wireless communication facility applied for by **Incline Power, LLC** on property located at **16355 S. Highway 20, Clearlake Oaks**, and further described as **APN: 010-055-31** does meet the requirements of Section 71.13 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Wireless Communication Facility be granted subject to the conditions and with the findings listed in the staff report dated **February 25, 2021**.

***NOTE:** The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*